



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally C. Medley  
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**MAILED**

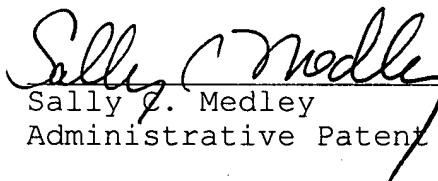
APR - 4 2001

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Applicant: Bernardy  
Application No.: 09/035,936  
Filed: 3/02/98  
For: Rotary shredding blade

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,671.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

  
Sally C. Medley  
Administrative Patent Judge

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 1

Filed by: Sally C. Medley  
Administrative Patent Judge  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

Filed  
4 April 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ECKHARD BERNARDY,

Junior Party,  
(Application 09/035,936),

v.

ROBERT A. POWELL,

Senior Party,  
(Patent 5,875,700).

**MAILED**

'APR - 4 2001

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Patent Interference No. 104,671

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**NOTICE DECLARING INTERFERENCE**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the  
above-identified parties.

Details of the application(s), patent (if any), reissue  
application (if any), count(s) and claims designated as  
corresponding or as not corresponding to the count(s) appear in  
Parts E and F of this NOTICE DECLARING INTERFERENCE.

**Part B. Judge designated to handle the interference**

Administrative Patent Judge Sally C. Medley has been designated to handle the interference. 37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for 1:30 p.m. on April 25, 2001 (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors:	Eckhard Bernardy, Vancouver, WA
Application:	Application 09/035,936, Filed 2 March 1998
Title:	Rotary Shredding Blade
Assignee:	none
Accorded Benefit:	none
Attorneys:	See last page
Address:	See last page

Senior Party

Named Inventors: Robert A. Powell, Camas, WA

Patent: U.S. Patent 5,875,700  
Granted 2 March 1999  
based on application 08/971,454  
filed 17 November 1997

Title: Brush cutting blade

Assignee: none

Accorded Benefit: none

Attorneys: See last page

Address: See last page

Part F. Counts and claims of the parties

Count 1

Claim 57 of 09/035,936

or

Claim 1 of 5,875,700

The claims of the parties are:

Bernardy: 42-59

Powell: 1-4

The claims of the parties which correspond to Count 1 are:

Bernardy: 42, 45, 49, 50, 57, and 59

Powell: 1, 3, and 4

The claims of the parties which do not correspond to Count 1  
are:

Bernardy: 43, 44, 46-48, 51-56, and 58

Powell: 2

Count 2

Claim 58 of 09/035,936

or

Claim 2 of 5,875,700

The claims of the parties are:

Bernardy: 42-59

Powell: 1-4

The claims of the parties which correspond to Count 2 are:

Bernardy: 43, 44, and 58

Powell: 2

The claims of the parties which do not correspond to Count 2 are:

Bernardy: 42, 45-57, and 59

Powell: 1, 3, and 4

The claims of the parties which do not correspond to either Count 1 or Count 2 are:

Bernardy: 46-48 and 51-56

Powell: none

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See § 18 of the STANDING ORDER.

Paper     <sup>1</sup>

Filed on behalf of [name of party]  
By: Name of lead counsel, Esq.  
Name of backup counsel, Esq.  
Street address  
City, State, and Zip-Code  
Tel:  
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Sally C. Medley)

ECKHARD BERNARDY,  
Junior Party,  
(Application 09/035,936),

v.

ROBERT A. POWELL,

Senior Party,  
(Patent 5,875,700).

Patent Interference No. 104,671

TITLE OF PAPER

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<sup>1</sup> Leave a blank line because the board assigns the paper number.



## **Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence.
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 104,671

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

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Telephone, including area code: \_\_\_\_\_

Part J. Signature of administrative patent judge

  
SALLY C. MEDLEY  
Administrative Patent Judge

Date: 4/4/01  
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in  
the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in  
the testimony and briefing phases of the interference  
(ORDERTE6)

PTO Form 850 and statement by examiner

Copy U.S. Patent 5,875,700

Copy of claims of Bernardy application 09/035,936

DECLARE.007  
Revised September, 2000  
(replaces DECLARE.006.1)

cc (via Federal Express):

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